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In re Application of ANLIKER :
U.S. Application No.: 10/538,168 :
PCT Application No.: PCT/DE2003/003229 : DECISION
Int. Filing Date: 27 September 2003 :
Priority Date Claimed: 02 October 2002 :
Attorney Docket No.: TMEY-00101-NUS :
For: SUPPOSITORY-PACKAGING DEVICE :

This is in response to applicant's "Response" filed 26 May 2007.

BACKGROUND

On 27 September 2003, applicant filed international application PCT/DE2003/003229, which claimed priority of an earlier Germany application filed 02 October 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 15 April 2004. The thirty-month period for paying the basic national fee in the United States expired on 02 April 2005.

On 09 June 2005, applicant filed a petition to revive under 37 CFR 1.137(b) along with national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 24 February 2006, this Office mailed a decision granting the 09 June 2005 petition.

On 08 April 2006, applicant filed an executed declaration.

On 22 March 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that the given name of the inventor listed on the declaration does not match that shown in the published international application.

On 26 May 2007, applicant filed the present response.

DISCUSSION

A review of the application file reveals that the given name of the first inventor is listed in the international application as "Franz" while the given name is listed in the declaration as "Markus". In that this is clearly more than a mere typographical error or transliteration error, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of \$400.00 as well as a statement from the inventor and statements from any other persons having firsthand knowledge of the error. These statements must set forth the specific circumstances as to how and when the error was made and discovered and must also set forth that the mistake was an inadvertent error without deceptive intent.

CONCLUSION

Because the 26 May 2007 correspondence appears to be a bona fide attempt to respond to the Notification of Missing Requirements Under 35 U.S.C. 371, applicant is given a time limit of ONE (1) MONTH from the mail date of this communication in which to submit a proper response. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are NOT available under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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